

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mikal Majeed; Ruby Majeed,)	C/A: 3:13-cv-2820-JFA-SVH
)	
v.)	
Plaintiffs,)	ORDER ON MOTION TO
)	RECONSIDER DENIAL
)	OF MOTION FOR TRO
Leon Lott, Elected Official; Richland County)	
Sheriff's Department; Roberts Towing and)	
Transport, LLC,)	
)	
Defendants.)	
)	

In an order filed December 30, 2013, this court approved and adopted the Report and Recommendation of the Magistrate Judge and denied the plaintiffs' request for a temporary restraining order in this case. The court took this action after noting that the plaintiffs had failed to take objection to the Report and Recommendation of the Magistrate Judge within the time limit provided by the Local Rules of this court.

Now before the court is a document styled "Motion for Reconsideration Magistrate Judge Shiva V. Hodge's Order Denying Plaintiffs' Temporary Restraining Order (TRO)."

The court has carefully reviewed the motion for reconsideration and finds no basis for disturbing the Magistrate Judge's recommended disposition of the motion for a TRO, nor the court's decision to deny the TRO. Moreover, a party who has been given sufficient time to object to the Report and Recommendation cannot be heard to make a post-decision objection raising issues that should have been raised in an earlier, timely objection.

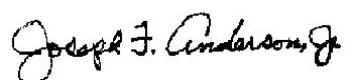
Plaintiffs also complain about the Magistrate Judge's handling of this case. They first suggest that they did not consent to the assignment of this case to the Magistrate Judge. Plaintiffs are hereby advised that Local Rule 73.02(B)(2)(e) provides for the automatic referral of all litigation involving *pro se* litigants to a Magistrate Judge. This case was not singled out for special treatment in this regard and to the extent the plaintiffs object to the assignment, the objection is overruled.

Plaintiffs also object to the scheduling order issued by Magistrate Judge Hodges suggesting that more time is needed for discovery in this case. The court will leave this decision to the sound discretion of Magistrate Judge Hodges, and with this order, the file shall be returned to Magistrate Judge Hodges for a review of the plaintiffs' request for a modification of the scheduling order.

Plaintiffs also complain that Magistrate Judge Hodges has displayed some type of partiality in this case and ask that she be removed from the case. Plaintiffs seek Magistrate Judge Hodge's recusal from this case, suggesting that they "have no confidence in the subject Magistrate who based upon information and belief, the Magistrate has a hidden agenda that would not be in the plaintiffs' best interest." Beyond the bald allegations of the plaintiffs, no showing has been made and this court cannot remove a judge from a case based upon mere speculation or allegations of unfairness. Magistrate Judge Hodges has a reputation as a fair and conscientious jurist. Accordingly, plaintiffs' request for recusal is denied.

IT IS SO ORDERED.

January 9, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge